

IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

HABEAS CORPUS RESOURCE CENTER,
et al.,

Plaintiffs-Appellees,

v.

UNITED STATES DEPARTMENT OF JUSTICE,
et al.,

Defendants-Appellants.

No. 14-15205

**CONSENT MOTION FOR A 30-DAY EXTENSION OF TIME
IN WHICH TO FILE APPELLEES' BRIEF**

Habeas Corpus Resource Center; Office Of The Federal Public Defender For
The District Of Arizona, ("Plaintiffs-Appellees"), hereby respectfully move for a
30-day extension of time, to and including June 2, 2014, within which to file their
brief as Appellees in this case. The reasons for this motion are explained in the
accompanying declaration of counsel. Counsel for the Defendants-Appellants
have authorized us to state that they do not oppose this motion.

Respectfully Submitted,

/s/ Catherine Y. Lui

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**DECLARATION OF COUNSEL IN SUPPORT OF
CONSENT MOTION FOR A 30-DAY EXTENSION OF
TIME IN WHICH TO FILE APPELLEES' BRIEF**

I, Catherine Y. Lui, state as follows:

1. This is an appeal from the district court's December 4, 2013 order granting Plaintiffs-Appellees' motion for a preliminary injunction. Appellees' brief is currently due on May 2, 2014. Plaintiffs-Appellees respectfully request a 30-day extension of time, to and including June 2, 2014, for filing their brief. This request for time is unopposed. Plaintiffs-Appellees have not previously sought any extension of time.

2. This case involves a challenge to regulations issued by the Department of Justice in September 2013. Plaintiffs challenged the rulemaking under the Administrative Procedure Act and Due Process Clause. The district court granted a

preliminary injunction preventing the rule from taking effect. The court's ruling raises multiple issues as it invokes various substantive and procedural grounds. This unopposed request for a 30-day extension is necessary to permit coordination among Plaintiffs-Appellees in light of other pending deadlines both in the underlying litigation in the District Court and in other matters.

3. The requested extension is necessary in light of deadlines in other matters for which counsel for Plaintiffs-Appellees are responsible. First, in the underlying litigation, *Habeas Resource Center v. United States Dep't of Justice*, Case No. 13-cv-4517 (N.D. Cal.), Plaintiffs are preparing a motion for summary judgment, due on April 21, 2014. In addition, counsel for Plaintiffs-Appellees have the additional deadlines to manage:

An opening brief in *In re: Settlement Facility Dow*, 14-1090, due before the Sixth Circuit Court of Appeals on April 23, 2014; a brief in opposition to a certiorari petition at the United States Supreme Court on May 21, 2014 in *Jill Stuart v. Sanei International Co.*, 13-1137. In addition, counsel has ongoing commitments and obligations, including preparation for oral argument before the Second Circuit Court of Appeals on May 12, 2014 in *Jill Stuart v. Sanei International Co.*, 13-2701.

5. Counsel has exercised diligence and will continue to do so. The requested extension is to manage existing case obligations and to ensure our clients have the proper amount of time to review and analyze the response to both the Defendants-Appellants' appeal and the amicus briefs filed in this action.

6. We have conferred with counsel for the Defendants-Appellants, and they have authorized us to state that they do not oppose the requested 30-day extension.

For the foregoing reasons, we respectfully request that the Court grant Plaintiffs-Appellees a 30-day extension of time, to and including June 2, 2014, in which to file their brief.

Respectfully Submitted,

/s/ Catherine Y. Lui

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April 18, 2014

CERTIFICATE OF SERVICE

I hereby certify that on April 18, 2014, the foregoing motion for the Plaintiffs-Appellees and accompanying declaration was filed electronically with the Court by ECF and served electronically by ECF on counsel.

/s/ Marc R. Shapiro

Counsel for Plaintiffs-Appellees